



Shoreline Policy and Procedure

PDS - Street Vacation - PDS 06-1

Subject: Procedure for Street Vacation - Petition Method	Code and statutory authority: SMC Chapter 12.17, RCW Chapter 35.79
Effective Date April 4, 2006	Approved By:  Director, PADS Director, Public Works City Attorney 
Prior Versions and Related Policies None	

1.0 PURPOSE

The purpose of this policy is to detail the street vacation procedure, focusing on petition submittal requirements, coordination of departmental review, and preparation for street vacation hearings.

2.0 DEPARTMENTS AFFECTED

Public Works, Planning and Development Services, City Attorney's Office, City Clerk's Office, and Fire Department.

3.0 REFERENCES AND FORMS

3.1 REFERENCES

- A. SMC Chapter 12.17
- B. RCW Chapter 35.79

3.2 STREET VACATION FORMS

- A. Street Vacation Petition Submittal Checklist (Type L-3)
- B. Street Vacation Criteria Street (Type L-3)
- C. Critical Areas Worksheet
- D. Street Vacation Petition and Affidavit (Type L-3)
- E. Utility Notification and Request for Comment

4.0 PROCEDURES

4.1 PRE-PETITION CONSULTATION

- A. Prior to submittal of application, the applicant shall request that PADS set up a pre-petition meeting with the PADS Project Manager, a Public Works representative, and a Fire Department representative.

- B. At the meeting, Public Works should address the feasibility of the petition (i.e., long term circulation of capital projects, anticipated traffic impacts, existing utilities, etc.).
- C. At the meeting, PADS should provide applicant with this policy, the street vacation forms and inform the applicant of the amount of known costs involved in street vacation that applicant must pay (i.e., petition fee and public hearing cost) and the unknown costs involved that the applicant must also pay (cost of appraisal, cost of traffic study, closing costs and compensation to be paid to the City if vacation is approved). Compensation for property which has been part of the dedicated public right-of-way for 25 years or more or property that was acquired at public expense is the full-appraised value. If property has been part of the dedicated public right-of-way for less than 25 years, the compensation is ½ of the appraised value.
- D. Public Works researches dedication history to determine rights to vacation and obligation to make compensation. If City does not have information, then applicant must complete research.

4.2 PETITION REVIEW

- A. Petition is filed with the City Clerk with street vacation fee deposit.
- B. Clerk's Office verifies petition signatures under RCW 35A.01.040. Within 3 days of filing of petition, send signatures to county assessor for determination of sufficiency.
- C. PADS verifies procedural requirements of SMC 12.17 are met, completes internal review, contacts other departments for their review, and coordinates departmental responses.
 - 1. PADS verifies petition requirements:
 - a. Concise statement of relief sought.
 - b. Legal description of vacation.
 - c. Signed by owners of 2/3 interest in abutting property. Must also have names, address, and date of signing. Ensure Clerk's office has verified petition signatures with the county assessor under RCW 35A.01.040.
 - 2. PADS sets dates for:
 - a. City Council to approve resolution to set public hearing before the Planning Commission (petition must be heard by Planning Commission not less than 20 days or more than 60 days after date of resolution passage);
 - b. Public hearing before the Planning Commission; and
 - c. City Council consideration of ordinance to adopt/deny the street vacation.

3. PADS verifies posting and mailing of vacation notice.
 - a. At least 20 calendar days before the Planning Commission hearing: PADS posts public notice in three conspicuous public places and in one conspicuous place on the street or alley sought to be vacated.
 - b. At least 15 days before the hearing: PADS mails public notice to each owner of property within 500 feet of the proposed vacation.
 4. Upon receipt of filed petition, PADS shall notify the following utilities affected by the potential vacation: electricity, natural gas, sewer, water, stormwater, and telecommunications. *See Utility Notification and Request for Comment template.*
- D. Public Works reviews applicant's traffic study of impacts on right-of-way needs for recommendation on petition and conditions of approval, to include impact on capital projects, long term circulation plans, public safety, public benefit, impacts on local access, and the need to retain easements.
1. Public Works either recommends approval of the street vacation per engineering review as-is or as-conditioned. If recommending approval as-conditioned, prepare draft conditions.
- E. Fire Department reviews petition, including how the vacation may affect access to property.
1. Fire Department provides City with comments on street vacation. If Fire recommends conditions to the street vacation, Fire prepares draft conditions. City will review Fire Department's comments and proposed conditions for approval.

4.3 RESOLUTION

- A. City Attorney prepares resolution for City Council setting the date for the petition to be heard by the Planning Commission. PADS prepares staff report.
- B. Resolution shall be prepared one week in advance of the City Manager's Office staff report deadline.

4.4 PLANNING COMMISSION HEARING

- A. PADS prepares staff report for Planning Commission, incorporating Public Works studies and recommending whether to approve the vacation based on the departmental reviews and setting forth conditions for approval.

4.5 SEPA

- A. Street vacation is exempt from SEPA threshold decision per WAC 197-11-800(2)(h).

4.6 APPRAISAL

- A. If Planning Commission recommends approval, PADS collects from the applicant the estimated cost for preparation of the appraisal to determine fair market value and the anticipated closing cost required by the vacation as recommended by the Planning Commission.
- B. City Attorney orders appraisal.
- C. Petitioners are responsible for paying actual appraisal costs, closing costs and compensation based on the appraised fair market value.

4.7 CITY COUNCIL HEARING

- A. City Attorney prepares ordinance approving street vacation upon payment of revised closing costs and compensation. PADS prepares staff report for ordinance, attaching Planning Commission recommendation.

4.8 DECLARATION OF STREET VACATION AND DOCUMENT RECORDING

- A. PADS coordinates compliance with conditions of vacation including obtaining necessary utility easements.
- B. City Attorney drafts declaration of vacation and other property instruments required by vacation ordinance or approves instruments drafted by utilities and third parties required by the vacation ordinance.
- C. PADS reconciles final fees and costs with deposits.
- D. City Manager signs declaration of street vacation.
- E. City Attorney records street vacation documents & reports status of vacation to City Clerk.